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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,575	03/18/2002	Hisashi Nakagomi	220944US2	3219
22850	7590	03/03/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PAN, JOSEPH T	
			ART UNIT 2135	PAPER NUMBER
			NOTIFICATION DATE 03/03/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/098,575

Applicant(s)

NAKAGOMI ET AL.

Examiner

JOSEPH PAN

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

(1) applicant argues:

"Applicants assert that the combined teachings of Ono and Yoshikawa would not have rendered obvious to one of ordinary skill in the art the language of Claim 1. Claim 1 recites "a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device as said preset communication link security level." " (see page 2, 2nd paragraph, Applicant's

Arguments/Remarks)

Examiner maintains:

Ono discloses "FIG. 6 shows an example of the correspondence between values of the encryption variable and encryption/digital signature methods." (see figure 6; and column 1, lines 55-57 of Ono). Therefore, the encryption variable defines one of a plurality of security levels for communication.

Ono further discloses "Note that one or more keys necessary for performing encryption using the encryption method specified by the encryption variable are sent from the server apparatus 4 to the client apparatus 2 together with the encryption variable." (see column 12, lines 8-12 of Ono). Therefore, the encryption variable is sent from the server [i.e., the remote device] to the client [i.e., the mobile communication terminal device].

Ono further discloses "When the user inputs a message (plaintext 313 in FIG. 5) on the message input form, the encryption variable in the message input form creation document 312 is analyzed (S205) to specify a conversion type (S206). When the encryption variable is "ONLY", the input message is encrypted using the specified encryption method (RSA in FIG. 6) (S207). When the encryption variable is "MIC-CLEAR", the input message is digitally signed using the specified digital signature method (public key cryptosystem) (S208). When the encryption variable is "ENCRYPTED", the input message is encrypted and digitally signed using the specified encryption method (MyElly-DES-CBC) and digital signature method (MyElly-SHA-1) (S209)." (see column 12, lines 28-40 of Ono). Therefore, the client [i.e., the mobile communication terminal device] detects which of the plurality of communication link security level is in use at the server [i.e., the remote device] from the encryption variable when sending a message to the server.

Thus, the references discloses "a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device as said preset communication link security level.", such as disclosed in Claim 1.

(2) Applicant argues:

"However, selecting a security level from a plurality of security levels in accordance with positional information, is not a detection of which security level is in use at the remote device as said preset communication link level, as recited in claim 1." (see page 3, 2nd paragraph, Applicant's Arguments/Remarks).

Examiner maintains:

Ono discloses "a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device as said preset communication link security level.", such as disclosed in Claim 1. (see (1) above).


Thus, the references discloses "a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device as said preset communication link security level.", such as disclosed in Claim 1:

(3) Applicant argues:

"Tanaka does not disclose or suggest any processing based on communication security levels, let alone the features recited in Applicants' claims 5, 12, 13, and 21." (see page 4, 3rd paragraph, Applicant's Arguments/Remarks)

Ono discloses "a detection unit configured to detect which of the plurality of communication link security levels is in use at the remote device as said preset communication link security level.", such as disclosed in Claim 1. (see (1) above).

Thus, the references discloses the processing based on communication security levels.


HOSUK SONG
PRIMARY EXAMINER